

**FILED**

**IN THE UNITED STATES BANKRUPTCY COURT JAN 30 2006**

**FOR THE DISTRICT OF ARIZONA**

U.S. BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re: ) Chapter 11  
)  
THE ROMAN CATHOLIC CHURCH OF ) No. 4-04-bk-04721-JMM  
DIOCESE OF TUCSON *aka* THE )  
DIOCESE OF TUCSON, an Arizona ) Adversary No. 4-05-ap-00197-JMM  
corporation sole, )  
\_\_\_\_\_) Debtor.

PHILIP GREGORY SPEERS, ) **MEMORANDUM DECISION RE MOTION**  
) **TO DISMISS AMENDED COMPLAINT,**  
Plaintiff, ) **MOTION TO REMAND, AND**  
vs. ) **DISALLOWANCE OF CLAIM NO. 244**  
)  
THE ROMAN CATHOLIC CHURCH OF )  
DIOCESE OF TUCSON, )  
\_\_\_\_\_) Defendant.

On January 9, 2006, the Plaintiff filed an Amended Complaint herein. On January 19, 2006, the Defendant filed a Motion to Dismiss the Amended Complaint. This Motion to Dismiss was set for hearing on January 31, 2006, at 1:30 p.m.

On December 14, 2006, this court ordered the Plaintiff to file an amended complaint within 20 days. That date would have been January 4, 2006. The Amended Complaint was not filed until January 9, 2006, five days too late. No motion was filed by the Plaintiff, seeking an extension of that time period, and no reason was offered for the late filing. Indeed, the Amended Complaint was not even dated until January 5, 2006, one day after the court-ordered deadline.

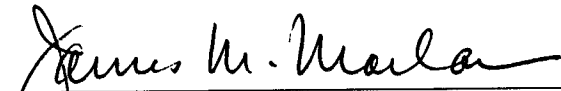
Accordingly, consistent with this court's order of December 14, 2006, the court shall order as follows:

1. That the Defendant Roman Catholic Church of the Diocese of Tucson's Motion to Dismiss Amended Complaint be GRANTED and Plaintiff's Amended Complaint be DISMISSED, WITH PREJUDICE.

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- 1                   2.       That Plaintiff's claim no. 244 be DISALLOWED.
- 2                   3.       Vacating the hearing set for January 31, 2006, at 1:30 p.m.
- 3                   4.       Denying Plaintiff's Motion to Remand, as moot, and the hearing set thereon for
- 4 January 31, 2006, at 1:30 p.m. be vacated.

5                   DATED: January 30, 2006.

6                     
7 JAMES M. MARLAR  
8 UNITED STATES BANKRUPTCY JUDGE

9 COPIES served as indicated below this 30  
10 day of January, 2006, upon:

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